



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 912-00
18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps Reserves on 29 June 1971 at the age of 18. Your record reflects that on 9 December 1971 you received nonjudicial punishment (NJP) for wrongful disposition of government property and were awarded a \$70 forfeiture of pay. You were honorably released from active duty on 17 December 1991.

Your record further reflects that on 5 October 1972 you begin a three year period of active duty due to unsatisfactory participation in the Marine Corps Reserves. Approximately six months later, on 20 April 1973, you received NJP for a day of unauthorized absence (UA) and were awarded restriction for 14 days. On 26 November 1973 you were convicted by special court-martial (SPCM) of attempted robbery. You were sentenced to confinement at hard labor for five months, reduction to paygrade E-3, and forfeitures totalling \$1,000.

On 26 September 1974 you received a fourth NJP for disobedience and were awarded a \$50 forfeiture of pay. Subsequently, on 17 October 1974, you were released from active duty under honorable

conditions. Upon completion of your military obligation service you were issued a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.9. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the serious nature of your frequent misconduct, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director